

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF  
ILLINOIS EASTERN DIVISION**

In the Matter of the Complaint of Chicago	)	
AquaLeisure, LLC, and Theresa Tran,	)	
individually and as owners and/or owners	)	
pro hac vice of the vessel LA	)	Case No. 22-cv-6478
AQUAVIDA, Official Number	)	
GFNCY003E20 & Documentation	)	Judge Joan B. Gottschall
#1155272, for Exoneration from or	)	
Limitation of Liability	)	
	)	

**ORDER GRANTING CLAIMANTS' JOINT MOTION  
TO LIFT INJUNCTION AND STAY THIS LIMITATION OF LIABILITY ACTION**

By memorandum opinion and order dated May 11, 2023, the Court granted Claimants' Joint Motion to Lift Injunction and Stay this Limitation of Liability Action. In accordance with the memorandum opinion and order dated May 11, 2023, IT IS HEREBY ORDERED that the Claimants' Joint Motion to Lift Injunction and Stay this Limitation of Liability Action is granted subject to the following terms and conditions:

1. This United States District Court for the Northern District of Illinois – Eastern Division has exclusive jurisdiction over all limitation of liability issues that arise out of the allision occurring on or about August 13, 2022, between the moving vessel/boat (the “AQUAVIDA”) and the anchored vessel/boat (the “NAVIGATOR”) and its raft attached thereto.

2. Claimants waive any claim of res judicata respecting any limitation of liability issues as might arise in the event of entry of judgment in any state court or other proceeding based upon the facts of the above-mentioned allision.

3. Should a judgment be obtained in any state court or other proceeding on behalf of any one or more of the Claimants, and should this United States District Court for the Northern District of Illinois – Eastern Division determine that Limitation Plaintiffs are indeed an owner

and/or owner *pro hac vice* of the AQUAVIDA under the law, and that limitation of liability is appropriate, Claimants shall seek no more than their respective pro-rata proportional share of the limitation fund as measured by their respective proportions of any judgment obtained in the state court or other proceeding.

4. Should a judgment be obtained in any state court or other proceeding on behalf of any one or more of the Claimants, and should this United States District Court for the Northern District of Illinois – Eastern Division determine that Limitation Plaintiffs are indeed an owner and/or owner *pro hac vice* of the AQUAVIDA under the law, and that limitation of liability is appropriate, Claimants shall in no event seek any amount beyond the value of the limitation fund as determined by this United States District Court for the Northern District of Illinois – Eastern Division.

5. This United States District Court for the Northern District of Illinois – Eastern Division has exclusive jurisdiction to determine the value of the limitation fund, and so long as the Claimants have an opportunity to obtain an independent appraisal or related valuation and provide this Court with case law setting forth what is to be included in the limitation fund, shall stipulate to the value as determined by this United States District Court for the Northern District of Illinois – Eastern Division.

6. The Limitation Plaintiffs may not bring the exoneration issue back to this United States District Court for the Northern District of Illinois – Eastern Division after trying issues of liability and damages in the state court or other proceeding.

7. Entry of judgment and any enforcement of any recovery obtained in state court is stayed pending the outcome of this Limitation Proceeding.

8. These terms and conditions are meant only to adequately preserve Limitation Plaintiffs' rights as alleged owner(s)/owner(s) pro hac vice of the AQUAVIDA, and Claimants retain their right to contest limitation of liability issues within the exclusive jurisdiction of this Court

9. This Court retains jurisdiction over the limitation of liability issues in this case, including the jurisdiction to stay any state court, or other claims, brought by Joseph Neverauskas or any other third-party claimants against Limitation Plaintiffs if they do not agree to concessions adequate to protect Limitation Plaintiffs' rights.

IT IS FURTHER ORDERED, that the Stay and Restraint of All Suits, Actions, or Legal proceedings ordered by this Court on November 28, 2022 (Doc. No. 11) is hereby lifted, this Limitation Action will be STAYED.

Dated: May 22, 2023

/s/  
Joan B. Gottschall  
United States District Judge